

CHAPTER 5-000 POLICIES

5-001 Public Access to Licensing Files: Department staff shall release information regarding the name of the child care/preschool provider, address, telephone number, type of license, license capacity, hours and days of care, ages of children served, and license effective dates upon verbal or written request.

The following forms, reports, correspondence and documents will be released upon either verbal or written request:

Application/Affidavit
Alternative Compliance Request
Registration Referral Form - Fire Safety Inspection/Fire Marshal
Registration Referral Form - Sanitation Inspection/Department of Health and Human
Services Regulation and Licensure
Rules Compliance Checklist
Closure Form
Noncompliance Report/Compliance Review
Fire Safety Inspection Reports and Correspondence
Sanitation Inspection Reports and Correspondence
Letters initiating revocation, denial, suspension, extension of a license or
probationary license status
Licensing Agreements
Emergency Closing Orders
Order of License Reinstatement
Finding and Order resulting from an appeal hearing
Declaratory Ruling resulting from a failure to appeal

5-001.01 Information Released to Other Governmental Entities: Copies of the following documents may be sent to other governmental entities:

Warning letters
Noncompliance Reports/Compliance Reviews
Extensions of provisional licenses
Issuances of probationary licenses
Letters initiating action to deny, suspend, revoke, extend a license or place on
probationary license status
Emergency Closing Orders

If the above information includes any reference to specific names of children, their parents, Child Protective Services reports or records or law enforcement investigative reports, these references must be deleted before release.

5-001.02 Information Not Released: The following information documents or forms will NOT be released:

Names, addresses and phone numbers of complainants
Names of enrolled children and their parents/guardians
Child Protective Services reports or records, Adult Protective
Services reports or records, Nebraska Child Abuse and Neglect
Central Registry and Nebraska Adult Protective Services Central
Registry information or law enforcement investigative reports
Felony/misdemeanor statements
Reference release statements
Reference letters
Enrollment/Attendance Form
Internal Department correspondence
Investigative reports and notes
Documentation regarding unlicensed care investigations
Medical records/Health Information Reports

Department staff shall not release information until the licensee has received the information or a reasonable effort has been made to provide the licensee with the information.

Requested information will be available five working days after the request is received.

If a determination is made to deny a request for information and the requesting party objects or further insists on production, Department staff shall consult with Legal Services for assistance in preparation of a written response as required by Nebraska Revised Statutes, Section 84-712.04.

5-002 Child Care/Preschool Provider Access to Licensing Files: Child care/preschool providers must receive a statement describing non-compliance(s) and/or complaint(s) specific to child care/preschool licensing regulations during the preschool licensing visit.

Child care providers must have the opportunity to provide written comment about all non-compliances and complaints in the following ways:

1. The child care/preschool provider may indicate comments and/or clarification on the agency documentation at the time of the visit.
2. The child care/preschool provider may submit a written letter or memo to the appropriate Department staff. Department staff shall attach the letter or memo to the non-compliance documentation and forward to the file.
3. A written confirmation will be sent to the provider indicating that the information has been placed in the file.

Providers shall have the right to review their child care/preschool program licensing file that is retained in the Department Central Office, Lincoln, Nebraska. Requested information will be available for review in Lincoln Central Office, 301 Centennial Mall South, Lincoln, Nebraska from 9:00 a.m. to 4:00 p.m. on weekdays except for state holidays, ten business days after the request is received.

5-002.01 Restricted Information: All information contained in this file may be reviewed with the exception of the following:

1. Any information that identifies person(s) who made complaints or alleged non-compliance with regulations;
2. Child Protective Services reports and records, Nebraska Child Abuse and Neglect Central Registry information, Adult Protective Services reports and records, Nebraska Adult Protective Services Central Registry information and law enforcement investigative reports;
3. Reference letters;
4. Internal Department correspondence;
5. Investigative reports and notes; and
6. Documentation regarding unlicensed care investigations.

5-003 Death of a Child: Upon notification of a death of a child attending any child care/preschool facility, Child Protective Services must be notified, and Department staff shall determine if the child care/preschool facility is licensed. If the child care/preschool program is licensed, a clearance with the Nebraska Child Abuse and Neglect Central Registry will be completed for the following individuals: all caregivers, household members, other involved parties, and the deceased child. A review of relevant licensing files, if applicable, will also be completed by Department staff.

If the Nebraska Child Abuse and Neglect Central Registry and/or file indicate possible concerns, Department staff shall inform the appropriate Child Protective Services supervisor and local law enforcement agency by telephone followed by written notice. Documentation of contact must be placed in the licensing file if the incident occurred in a licensed facility. The documentation must be filed separately if the incident occurred in an unlicensed facility.

One of the following sources may be used when obtaining verification of such incidents:

1. Law enforcement reports and County Attorney records, including Coroner's report;
2. Death certificate via Department of Health and Human Services, Vital Statistics.

Should documentation reveal that death is attributed to S.I.D.S. (Sudden Infant Death Syndrome), that information will be filed. A telephone call offering support and resource information may be made by Department staff.

Should documentation reveal that the death was of a nature other than S.I.D.S. and was not the result of any law violation, that information will be filed. A telephone call offering support and resource information may be made by Department staff.

Should documentation reveal that the death was crime-related, the information will be reviewed to determine non-compliance with licensing regulations and a negative action will be initiated.

5-004 Notification of Parents When an Emergency Closing Order Is Issued: Whenever the Director of the Nebraska Department of Health and Human Services finds that an emergency exists requiring immediate action to protect the physical well-being and safety of children in a child care program, the Director may issue an "Emergency Closing Order" declaring the existence of an emergency and requiring that action be taken as the Director deems necessary. Any licensed child care/preschool provider to whom the Emergency Closing Order is directed shall comply immediately.

Department staff shall inform the parents of enrolled children of the issuance of the Emergency Closing Order by telephone and in writing.

Parents and appropriate Department staff must be informed of the following:

1. An Emergency Closing Order issued by the Director of the Nebraska Department of Health and Human Services to protect the physical well-being and safety of the children in care at the facility;
2. The date and time the order is effective;
3. A general description of the circumstances which endangered the health and safety of the children;
4. An explanation of how parents may obtain information regarding the facility's compliance with licensing standards;
5. The names and telephone numbers of resources that could assist parents in locating another provider, if necessary; and
6. The name and work number of the appropriate Department staff.

Appropriate Department staff must be notified when a decision has been made to issue an Emergency Closing Order and when the Order has been delivered.

5-004.01 Lifting of an Emergency Closing Order: If an Emergency Closing Order is lifted, written notice will be immediately provided.

The Department shall inform the parents of enrolled children in writing when an Emergency Closing is lifted.